

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

PAUL C. THOMPSON, JR.,)	
Plaintiff,)	Civil Action No. 7:19-cv-00393
)	
v.)	
)	By: Michael F. Urbanski
LT. L.R. COLLINS, <u>et al.</u>,)	Chief United States District Judge
Defendants.)	

ORDER

Paul C. Thompson, Jr., proceeding pro se, filed this civil action under 42 U.S.C. § 1983 while he was incarcerated within the Virginia Department of Corrections.¹ By order entered November 3, 2021, the court directed Thompson to file a proposed amended complaint within sixty days that complied with the limitations and directions set forth in prior orders. ECF No. 106. The order warned Thompson that failure to comply would result dismissal. The court subsequently received a new complaint from Thompson, which was docketed in this action as a proposed third amended complaint. ECF No. 107. Because the new complaint did not comply with the limitations and directions set forth in prior orders, the court dismissed the action without prejudice. ECF No. 110.

Thompson has since filed objections to the dismissal order, which the court construes as motions for reconsideration. ECF Nos. 112 and 113. Thompson argues that he intended for the new complaint to be filed as an “independent civil action” and that the pleading was improperly docketed as his proposed amended complaint in the instant case. Id. Thompson further contends that he intended to file a proposed amended complaint that would comply

¹ Thompson was released from prison in February 2022.

with the court's previous instructions, and he notes that he requested an extension of time in which to do so. Id.; see also ECF No. 108.

Having reviewed Thompson's filings, the court concludes that reconsideration is warranted. Accordingly, it is hereby **ORDERED** as follows:

1. Thompson's motions for reconsideration, ECF Nos. 112 and 113, are **GRANTED**, and the Clerk is **DIRECTED** to reopen this case on the active docket;
2. Thompson is assessed the \$350.00 filing fee and the applicable \$52.00 administrative fee, and he is **DIRECTED** to pay these fees in full or apply to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1) within **ten (10) days** of the date of entry of this order;²
3. Thompson's motion for copies of any court orders docketed since February 2022, ECF No. 117, is **GRANTED**;
4. Not later than **thirty (30) days** after entry of this order, Thompson shall file a proposed amended complaint that complies with the limitations and directions set forth in prior orders; and
5. Thompson is advised that failure to comply with this order will result in the dismissal of the case without prejudice.

The Clerk shall send a copy of this order to Thompson at the following address: 3114 Barton Ave., Richmond, Virginia 23222.

² Court records indicate that Thompson did not pay any portion of the filing fee while he was incarcerated. A prisoner who is released from prison before paying the filing fee may apply to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1). DeBlasio v. Gilmore, 315 F.3d 36, 398–99 (4th Cir. 2003)

It is so **ORDERED**.

Entered: August 16, 2022

A handwritten signature in blue ink, appearing to read 'M. Urbanski', with a long horizontal flourish extending to the right.

Digitally signed by Michael
F. Urbanski Chief U.S.
District Judge
Date: 2022.08.16 16:31:19
-04'00'

Michael F. Urbanski
Chief United States District Judge

UNITED STATES DISTRICT COURT

for the

<i>Plaintiff/Petitioner</i>)	
v.)	
<i>Defendant/Respondent</i>)	Civil Action No.
)	

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: _____.
If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ _____, and my take-home pay or wages are: \$ _____ per
(specify pay period) _____.

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|----------------------------------------------------|------------------------------|-----------------------------|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (f) Any other sources | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: \$ _____.

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*:

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*:

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*:

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: _____

Applicant's signature

Printed name